

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Case No. 22-cr-336(13) (DWF/DJF)

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	ORDER OF DETENTION
	)	
JIMMY THITHAVONG,	)	
	)	
Defendant.	)	

This matter came before the Court on August 9, 2024, on the motion of the United States for detention. The defendant, Jimmy Thithavong, was present and represented by Charles Clippert, Esq. The United States was represented by Assistant United States Attorney Thomas M. Hollenhorst. For the reasons that follow, the Court grants the motion for detention.

**FINDINGS OF FACT**

1. On July 25, 2024, Mr. Thithavong was charged in the Superseding Indictment with conspiracy to distribute 50 grams or more of actual methamphetamine (Count 1) in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(A) and 846, and distribution of 50 grams or more of actual methamphetamine (Count 8) in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A). Doc. 37. Both counts charge Controlled Substance Act offenses that carry maximum terms of imprisonment of more than 10 years. *See* 21 U.S.C. § 841(b)(1)(A). The United States was authorized to move for a detention hearing in this case. 18 U.S.C. § 3142(f)(1)(C) (motion for a detention hearing authorized if defendant charged with an

offense under the Controlled Substances Act that carries a maximum penalty of ten years or more upon conviction).

2. Mr. Thithavong is alleged to have conspired with Clinton James Ward and several other to distribute methamphetamine in connection with a large-scale drug trafficking organization with ties to two violent and notorious Mexican cartels. *See* Doc. 66. Count 8 of the Superseding Indictment relates to Mr. Thithavong's alleged distribution of 4,826 grams of methamphetamine (96% pure).

3. Mr. Thithavong has two prior felony drug convictions, the most recent of which is a federal conviction in South Dakota for conspiracy to distribute 500 grams or more of methamphetamine. *See* Doc. 104. Moreover, the conspiracy alleged in Count One of the Superseding Indictment is alleged to have begun while Mr. Thithavong was on supervised release for his South Dakota federal conviction.

### **CONCLUSIONS OF LAW**

1. Because Mr. Thithavong is charged with offenses under the Controlled Substances Act which have maximum terms of imprisonment of 10 years or more, this creates a rebuttable presumption that no condition or combination of conditions will reasonably ensure his appearance in court and the safety of the community. *See* 18 U.S.C. § 3142(e)(3).

2. After consideration of the factors under 18 U.S.C. § 3142(g), the presumption of detention, the allegations of the Superseding Indictment, and the proffers and arguments of counsel, the Court concludes by a preponderance of the evidence that no condition or combination of conditions of release would reasonably assure Mr. Thithavong's

appearance at further Court proceedings, and by clear and convincing evidence that no condition or combination of conditions of release will reasonably assure the safety of any other person and the community if he is released pending trial.

Mr. Thithavong is alleged to have been part of a large-scale drug trafficking conspiracy. The evidence against Mr. Thithavong is strong. (Dkt. No. 66). The quantity of narcotics he is alleged to have sold personally is over four and one-half kilograms of 96% pure methamphetamine. While Mr. Thithavong is not alleged to have carried a firearm himself, large numbers of firearms have been seized by law enforcement during the investigation of this conspiracy. Given its age, however, as well as the fact that the charge was reduced to a petty misdemeanor, the Court does not place any weight on Mr. Thithavong's eighteen year-old assault case.

For the foregoing reasons, IT IS HEREBY ORDERED that:

1. The motion of the United States for detention is granted;
2. The Mr. Thithavong is committed to the custody of the Attorney General;
3. Mr. Thithavong shall be afforded reasonable opportunity to consult privately with counsel; and

4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which Mr. Thithavong is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with further court proceedings.

Dated: August 12, 2024

s/ John F. Docherty  
John F. Docherty  
United States Magistrate Judge